IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 14629 of 2007(S)

AGAINST THE ORDER DATED 19 /01/2006 IN IA.1540/2007 IN OP.373/2007 of FAMILY COURT,THRISSUR
.....

PETITIONER:

SMT.KAVITHA SREENIVASAN,
UPPUKUNNATH HOUSE, CHOWALLOOR, CHAVAKKAD TALUK,
THRISSUR DISTRICT.

BY ADV. SRI.P.V.CHANDRA MOHAN

RESPONDENT:

DR.T.K.SUNILKUMAR, S/O.LAKSHMANAN,
THANDYANGATTIL HOUSE, LALITHA BHAVAN,
THRIKUMARAKUDAM BY-LANE, AYYANTHOLE VILLAGE,
THRISSUR DISTRICT.

BY ADV. SRI.C.RAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.14629 of 2007-S.

Petitioner's Exhibits:-

P1: Copy of the OP.No.373/2007 of Family Court, Thrissur.

P2: Copy of IA.No.1540/2007 in OP.No.373/2007 of Family Court, Thrissur.

P3: Copy of the affidavit of the petitioner filed in OP.No.676/2005 of Family Court, Thrissur.

Respondent's Exhibits:-

R1(a): Copy of the affidavit with petition in OP.No.676/2005 dated 11-11-2006 before the Family Court, Thrissur.

R1(b): Copy of the affidavit with petition in OP.No.676/2005 dated 11-11-2006 before the Family Court, Thrissur.

(true copy)

P.A. To Judge.

Kvs/-

KURIAN JOSEPH,

&

T.R.RAMACHANDRAN NAIR, JJ.

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WP(C).No.14629 of 2007-S.

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Dated this the 24th day of May, 2007.

J U D G M E N T

Kurian Joseph, J.

The writ petition has been filed with the following prayer:

> **"To issue a writ of mandamus or other appropriate writ, direction or order, directing the court below not to hand over the custody of the minor Krishnan to the respondent with out affording a reasonable opportunity to the petitioner to file her objections on Exhibit P2 and with out deciding that application on merit."**

2. The writ petition is disposed of with a direction to the Family Court, Thrissur to consider and dispose of Ext.P2 after affording sufficient opportunity to the parties, expeditiously.

KURIAN JOSEPH, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-